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16 Attorneys for Plaintiff and Counterdefendant  
17 AFFYMETRIX, INC.

23 AFFYMETRIX, INC., a Delaware corporation,

24 Plaintiff and Counterdefendant,

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MULTILYTE LTD., a British corporation

### Defendant and Counterclaimant.

Case No.: C-03-3779 WHA

**STIPULATION AND [PROPOSED]  
ORDER RE BRIEFING AND  
HEARING OF PROTECTIVE ORDER  
ISSUE**

WHEREAS, a dispute between the parties has arisen out of the February 17, 2004  
Stipulated Protective Order in this case;

WHEREAS, according to the Order Approving Stipulated Protective Order Subject to Stated Conditions, paragraph 6, the Court retains jurisdiction over disputes arising from the proposed and stipulated protective order for 45 days after final termination of the action;

WHEREAS, the parties have been working diligently in an effort to resolve this dispute to the satisfaction of all affected parties;

WHEREAS, despite numerous and extensive negotiations and discussions, the parties have been unable to resolve their dispute; and

WHEREAS, a Heller Ehrman attorney who may be personally impacted by the resolution of this dispute is unavailable to participate in the resolution of this matter until August 8, 2005;

THEREFORE, by and through their respective undersigned counsels, the parties hereby stipulate that their protective order dispute shall be briefed and heard by the Court according to the following schedule:

- counsel for Multilyte Ltd. shall file an opening brief on August 11, 2005;
- counsel for Affymetrix, Inc. shall file a responsive brief on August 18, 2005;
- counsel for Multilyte shall file a reply brief on August 23, 2005; and
- the matter shall be heard by the Court on ~~September 1, 2005~~ at 8:00 a.m.   
September 8, 2005

IT IS SO STIPULATED.

DATED: July 26, 2005

## HELLER EHRMAN LLP

By s/ Christine Saunders Haskett  
Christine Saunders Haskett

Attorneys for Defendant and Counterclaimant  
MULTILYTE, LTD.

DATED: July 26, 2005

## AFFYMETRIX, INC.

By s/ George C. Yu  
George C. Yu

Attorneys for Plaintiff and Counterdefendant  
**AFFYMETRIX, INC.**

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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4 DATED: August 1, 2005

5 WILLIAM ALSUP  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

